



Administrative Progress Report (APR)

August 2004

To: POST Commissioners and Advisory Committee

From: Kenneth J. O'Brien
Executive Director

The APR is a monthly status report intended to inform POST Commissioners and law enforcement officials of recent progress on projects and instructional programs currently under development at POST.

POST RESPONDS TO CALIFORNIA PERFORMANCE REVIEW COMMISSION REPORT

Upon assuming office, Governor Arnold Schwarzenegger established the California Performance Review (CPR) Commission to modernize California state government. Released August 3, the Commission's 2,500 page report listed more than 1,200 recommendations, including establishing new departments and abolishing more than 12 existing boards and commissions. Subsequently, the California Department of Finance required all state department heads to provide a response to CPR recommendations related to their respective departments by August 20.

POST was only required to respond to Public Safety (PS)-06: Recommendation C - "The Governor should direct the department of Personnel Administration, or its successor, to work with the California Commission on Peace Officer Standards and Training to review authorized peace officer positions employed by non-public safety entities to ensure their duties conform to POST standards (for peace officer status)." In his response to the Department of Finance, the Executive Director indicated that more than 32 state government departments that employ various classifications of peace officers and that POST will review any of the classifications in agencies the Department of Personnel Administration determines to be "non-public safety entities."

Because POST is within the Department of Justice by law, no recommendations were specifically directed at POST. However, several recommendations directed at all state agencies will, if approved, impact future POST operations. A more comprehensive report on the CPR recommendations and the potential impact on POST will be presented to the Long Range Planning Committee at the September 7, 2004 meeting.

Questions about the impact of the CPR recommendations on POST operations may be directed to Assistant Director Dick Reed, (916) 227-2809 or by email at Dick.Reed@post.ca.gov.

NEW GUIDELINES FOR EVALUATING PEACE OFFICER CANDIDATES WITH DIABETES

New guidelines for conducting pre-employment screening of peace officer candidates with diabetes will be published soon. Designed to replace the current Endocrinology section of the *POST Medical Screening Manual for California Law Enforcement*, the new guidelines will be posted on the POST website when they are available.

The new guidelines take into account advances made in the evaluation and treatment of Type I and Type II diabetes. New examination and evaluation protocols are aimed at minimizing the likelihood the risks associated with diabetes will impact the performance of peace officer duties, and avoiding unnecessary or unlawful obstacles for otherwise qualified applicants.

Questions about the guidelines may be directed to Senior Personnel Consultant Shelley Spilberg, Ph.D., of the Standards and Evaluation Services Bureau at (916) 227-4824 or by email at Shelley.Spilberg@post.ca.gov.

LAW ENFORCEMENT PHYSICAL FITNESS SPECIALIST COURSE TO BE OFFERED

The Cooper Institute will present its Law Enforcement Physical Fitness Specialist Course, September 27 through October 1, 2004, at the California Highway Patrol Academy in West Sacramento. The course is intended for physical training instructors and in-service fitness program staff. This high-quality and challenging course was last presented in 2001.

Questions about the course may be directed to Senior Personnel Selection Consultant Michael Catlin, Standards and Evaluation Services Bureau, (916) 227-2570 or via email at Michael.Catlin@post.ca.gov.

HR 218 - NEW FEDERAL LAW CONCERNING CONCEALED FIREARMS

House Resolution (HR) 218, a law that adds new provisions to the federal Firearms Control Act, became effective in July 2004. The federal law takes precedence over the laws of each state and all political subdivisions regarding the ability of active and retired peace officers to carry a concealed firearm.

The federal law now permits every active peace officer to carry a concealed firearm in every state, provided the officer carries an identification card that demonstrates the officer is, according to federal law, a "qualified law enforcement officer." The law also permits every retired officer to carry a concealed firearm in every state, provided the retired officer carries an identification card that demonstrates the officer is, according to federal law, a "qualified retired law enforcement officer." Although some difference of opinion exists, the consensus appears to be that reserve officers are not included in this law.

POST staff participated in a meeting hosted by the California Department of Justice, Division of Law Enforcement, to discuss the law and the processes that may be necessary to implement the law. The group included representatives of law enforcement agencies, unions, associations, attorneys, and the Bureau of Alcohol, Tobacco and Firearms (ATF).

Because the law refers generally to the annual satisfaction of a “state standard” for the certification of a retired officer to carry a concealed firearm, the meeting included a discussion of how a state standard may be established in California. POST’s position is that the language of HR 218 provides an alternative to a “state certification,” and there is no requirement that POST or any other state agency establish a new standard or process solely for retired officers.

Representatives of local law enforcement agencies generally agreed they prefer to administer the certification for retired officers. Inquiries made to the POST organizations in other states revealed they are also working to implement the law. Generally, the POST organization in those states will not be involved in the process; in some cases, state legislation will be necessary.

Staff will continue to participate in discussions on this issue. When the technical questions are resolved, a training video or a bulletin may be distributed.

Questions about HR 218 may be directed to Assistant Director Mike DiMiceli at (916) 227-2808 or by email at Mike.DiMiceli@post.ca.gov.

CD-ROM COURSES BEING CONVERTED TO INTERNET DELIVERY

POST has begun a project to convert two CD-ROM courses to web-based training. A Learning Portal (LP) and Learning Management System (LMS) will be developed to support web-based training courses and provide a source for instructor resources and links to related training programs and materials.

The conversion of *Learners First: Facilitation Skills for Learner-Centered Instruction* and *Communications: Keeping Your Edge* from CD-ROM to web-based training is underway. The vendor, Allen Communications, has completed the Design Specification Document for both courses. Prototypes for both courses are undergoing acceptance checks and the conversion of the remainder of the course material is going forward. The development of the Learning Portal and Learning Management System will begin with a series of focus group meetings in mid-September.

Questions about this project may be directed to Training Officer Graham Breck, Learning Technology Resource Center, (916) 227-4550 or by email at Graham.Breck@post.ca.gov.

LONG-TIME POST BUREAU CHIEF RETIRES

After 23 ½ years of service to POST, Bureau Chief Don Moura retired on August 31. Don graduated from the Alameda County Sheriff's Academy in 1968. He received his Bachelors and Masters degrees from San Jose State University and worked as a police officer for the cities of Hayward and Pleasanton until deciding that law enforcement training was his true interest.

Don spent the 1970s developing himself as a law enforcement trainer and sought out progressively more challenging positions until he was appointed as the chair of the Public Safety Services at San Joaquin Delta College in 1979 – a position he held until being hired as a Law Enforcement Training Consultant by POST in 1981.

At POST, Don conducted more than 15 major research projects and received 18 commendations from the field for developing training curricula for peace officers. Don is perhaps best known as the innovator of the Basic Course Consortium and as the founder of the Master Instructor Development Program (MIDP). He was promoted to Bureau Chief in 2002 and helped establish the Quality Assessment Bureau. He retired in the capacity of Bureau Chief of the Information Services Bureau.

Don and his wife Sandy will retire to a new home in Lincoln, California. Don is proud and grateful for the opportunity to have worked at POST and leaves with the hope that he has "made a difference" in law enforcement training. POST staff believes that he has made that difference. Don looks forward to spending as much time as possible with Sandy and pursuing his second love: fly fishing.

EDUCATION TECHNOLOGY PROFESSOR DISCUSSES PERFORMANCE TECHNOLOGY TRENDS

Dr. Allison Rossett, San Diego State Professor of Educational Technology, visited POST to make a two-hour presentation on emerging trends in performance technology to POST staff. Dr. Rossett's presentation focused on making the learner the center of training and providing resources before, during and after training to build successful job performance. The presentation was well received, and staff members used the question and answer session to discuss ways POST and its training partners might implement the ideas Dr. Rossett presented. Dr. Rossett also consulted with the staff of the POST Learning Technology Resource Center on the Case Management Flowchart project.

Questions about Dr. Rossett's presentation may be directed to Instructional Designer Sven Blomberg, Learning Technology Resource Center, (916) 227-45470 or by email at Sven.Blomberg@post.ca.gov.

LAW ENFORCEMENT RESPONSE TO TERRORISM COURSES READY FOR APPROVAL

Senate Bill 1350 (McPherson), chaptered in 2002, is known as the Responders Emergency Act to Combat Terrorism (REACT). SB 1350 established the Emergency Response Training Advisory Committee (ERTAC) and enacted Penal Code section 13519.12. As a result, POST was required to develop an eight-hour awareness course with specified curriculum and a course of instruction that uses a variety of instructional formats to train trainers.

Sergeant Wayne Windman of the Redondo Beach Police Department developed both of the required courses while attending the Master Instructor Development Program. Both courses have been pilot-tested statewide and the ERTAC approved both the eight-hour awareness course and the 24-hour, train-the-trainer course.

Currently, 105 instructors are certified to deliver the eight-hour Law Enforcement Response to Terrorism (LERT) course. The course meets or exceeds all of the curriculum content required by Senate Bill 1350 and also addresses the law enforcement tasks outlined in the Office for Domestic Preparedness (ODP) national training strategy. The LERT course is designed to meet the training needs of peace officers at a managerial or supervisory level and below who are assigned to field duties.

Instructors must complete the 24-hour, train-the-trainer course prior to making any presentations of the LERT awareness course. POST is scheduling five additional train-the-trainer courses that will be presented during the next twelve months. Additionally, ODP approval of the two courses is pending, and a full report on the two courses will be presented to the Commission at the October 2004 meeting.

Questions about the Senate Bill 1350-related courses may be directed to Bureau Chief Ken L. Whitman, Homeland Security Information Center, (916) 227-2820 or by email at KenWhitman@post.ca.gov.

MANAGEMENT FELLOW HIRED FOR HOMELAND SECURITY AND ANTI-TERRORISM PROGRAMS

POST has hired Dr. Anthony A. Lukin, Ph.D., as a Special Consultant (POST Management Fellow) to provide needed staff resources for anti-terrorism and homeland security training programs. With more than 30 years of experience in law enforcement and high administrative positions, Dr. Lukin is a recognized authority on terrorism and several criminal justice issues. He is also a former director of the State of Washington Law Enforcement Training Center. Dr. Lukin holds a bachelor of science, masters, and a doctorate in Criminology in addition to masters degrees in both business and public administration.

Dr. Lukin has extensive expertise in the gathering and collating of criminal intelligence and comes to POST from his position as an instructor on counter-terrorism at the California

Specialized Training Institute (CSTI). Dr. Lukin is also an Adjunct Faculty member at the University of Southern California and Adjunct Professor at Portland State University. He is designated as "Distinguished Instructor" at the National Inter-Agency Civil-Military Institute. His international consulting work includes such entities as the Royal Canadian Mounted Police, the governments of Singapore and the Virgin Islands, and a host of other federal, state, and local agencies. He is the author of numerous articles on terrorism; his articles have been translated into Russian and three other foreign languages.

Dr. Lukin joins Senior Consultant Lou Madeira, Associate Governmental Program Analyst Kathy Hobson and Bureau Chief Ken Whitman as part of the Homeland Security Training Program at POST. He will be directly responsible for coordinating course development work on the Terrorism Liaison Course, the Private Security Officer Weapons of Mass Destructions (WMD) Awareness Course, and the Law Enforcement Response to Terrorism (LERT) course. He will also be coordinating all of the POST activities with the Office for Domestic Preparedness (ODP), the Governor's Office of Homeland Security and the California Military Department and our statewide law enforcement clients.

POST welcomes the many years of education and experience Dr. Lukin brings to his new assignment and welcomes him to the POST family. Dr. Lukin may be reached at (916) 227-5562 or by email at Anthony.Lukin@post.ca.gov.

DETECTIVE SYMPOSIUM PLANNING COMMENCES

Approved for funding by the Commission at its April meeting, the Detective Symposium is a presentation of the Institute of Criminal Investigation (ICI). San Jose State University, which presents several ICI courses, is coordinating the event with the oversight of the ICI program manager, Senior Consultant Mike Hooper. The symposium program will include daily plenary presentations on major cases (e.g., Laci Peterson and the D.C. Sniper) and legal updates/trends. Small group sessions will feature specialized topics (e.g., DNA Evidence Collection and Latest Developments in Interview and Interrogation Strategies).

The three-day symposium will be held at the DoubleTree Hotel in San Jose during the spring of 2005. When known, the symposium dates and registration details will be posted on the POST website. The symposium will be POST-reimbursable, and attendees will receive CPT credit.

Questions about the Detective Symposium may be directed to Senior Consultant Mike Hooper, Training Program Services Bureau, (916) 227-3912 or by email at Mike.Hooper@post.ca.gov.

MEET POST STAFF - JOHN HUYNH

One of our newest employees, John Huynh (pronounced “Win”), came to POST in March 2004. He is assigned to the Computer Services Bureau, network unit. His expertise and people skills are evident when it comes to technical issues with computers and software questions.

John began state service in 1998. His first assignment with the State of California was with the State Franchise Tax Board as a Key Data Operator (KDO). He then progressed to a more technical position as an Information System Technician with the Department of Transportation (Cal Trans).

John and his wife Hal have a son Brandon. They are also proud expectant parents of a girl who will arrive in the Huynh household approximately September 28, 2004. The family resides in Elk Grove. Some of the things John enjoys after hours is building his new pond, fishing, and along with the rest of the family, getting ready for the new baby.

Please join us in welcoming John to the POST family.

MASTER CALENDAR ON THE POST WEBSITE

The Master Calendar is located within Flagship Network on the POST website due to security concerns. Accessed through a user identification and password, the Flagship Network is an electronic bulletin board for the Commission and sworn law enforcement personnel. Information about obtaining access is located at www.post.ca.gov/library/other/flagship_bb.asp. If you have access, but have forgotten your user ID or password, please write to phyl.barrus@post.ca.gov.

LEGISLATIVE UPDATE

Information about bills with a Commission position appears on the following pages. The POST website provides access to legislative information as follows:

Assembly Bills of interest to law enforcement:
www.post.ca.gov/about/legislation/assembly.asp

Senate Bills of interest to law enforcement:
www.post.ca.gov/about/legislation/senate.asp

Bills with a Commission position:
www.post.ca.gov/about/position.asp

Bill	Summary and Position* (Updated August 31, 2004)	Status
AB 20* (Lieber)	This bill no longer applies to POST Victims of Crime: This bill would extend existing accommodations in court for juveniles to dependent persons with substantial mental impairment. It would make it a criminal offense when mandated reporters conceal abuse or sexual abuse of dependent persons. It would add other protections for the developmentally disabled and dependent persons, as specified. Commission Position: Neutral	To Enrollment
AB 1198 (Dutton)	Peace Officer Records: The bill would extend existing confidentiality protection of peace officer and custodial officer personnel records to the Commission and protect personnel records of former peace officers when they are no longer employed by a law enforcement agency both for the agencies and POST. Commission Position: Support (Commission Sponsored)	Senate Public Safety Committee - Dead
AB 1383* (Wesson)	Amended to Antiterrorism: Antiterrorism Fund <i>No longer applies to POST</i> Commission Position: None	To Enrollment
AB 1941* (Chan)	Criminal Procedures: Arrest of Caretaker Parent: This bill would require law enforcement and protective services agencies to develop protocols to handle minor children when a caretaker parent is arrested, entitle such persons be authorized three additional phone calls to arrange for care of a minor child. It would require POST to establish minimum standards and training for local law enforcement to ensure child safety when such parents are arrested. It provides no additional funding to develop the standards and training. Commission Position: Neutral Position revised at August 17, 2004 Commission meeting	Senate Appropriations Committee - Dead
AB 2468 (Garcia)	Criminal Justice Administrative Fee: This bill would authorize collection of a criminal justice administrative fee from persons released on bond or on their own recognizance (OR) upon conviction to address the initial cost to local law enforcement agencies for booking them. The collection of the fee (for arrests) at the time of conviction would negatively impact the Peace Officers' Training Fund, the source of funding for POST to provide law enforcement training and reimbursement to cities and counties. Commission Position: Oppose	Assembly Public Safety - failed
* An asterisk indicates there are additions to / changes in a bill or bill status.		

Bill	Summary and Position* (Updated August 31, 2004)	Status
AB 2778 (Maze)	<p>Community Colleges Funding: Faculty: This bill would require the Board of Governors of the California Community Colleges to develop regulations on the conditions in which waivers would be granted to community colleges to deviate from the requirement of having at least 75% of its faculty employed full time. Colleges unable to achieve this goal would have the district's budget reduced. The bill would potentially impact primarily vocational education courses, including law enforcement training provided by the community college system.</p> <p>Commission Position: Oppose unless amended</p>	Assembly Higher Education - Dead
SB 635* (Dunn)	<p>Emergency Medical Services: This bill would authorize the County of Santa Barbara to establish an emergency medical services (EMS) fund that would be funded by specified revenue directed to the State Penalty Fund. EMS funds would be used to partially reimburse specified service providers for the cost of emergency medical services provided to persons who are unable to pay for their care.</p> <p>Commission Position: Oppose</p>	To Enrollment
SB 1234* (Kuehl)	<p>Crimes: Civil Rights – Hate Crime: This bill would make substantial changes to hate crimes; it would require the Commission, using existing resources to develop guidelines and training about mentally disabled persons, crimes against the homeless, and other specified subjects related to hate crime.</p> <p>Commission Position: Neutral</p> <p>Position revised at August 17, 2004 Commission meeting</p>	To Enrollment
SB 1900* (Burton)	<p>Forensic DNA: This bill would establish a DNA Collection Reimbursement Fund in each county, authorize collection and distribution of moneys collected by each county related to DNA related investigations, and establishes the DNA Innocence Protection Fund. The funding would be through an additional penalty assessment, which would impact the State Penalty Fund.</p> <p>Commission Position: Oppose unless amended</p>	Assembly Appropriations Committee - Dead
* An asterisk indicates there are additions to / changes in a bill or bill status.		